

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Order No. 970
Z.C. CASE NO. 01-22MA
(Map Amendment – New York and Florida Avenues, N.E.
Square 3584, Lots 23 and 809)

The Zoning Commission for the District of Columbia, pursuant to its authority under Section 1 of the Zoning Act of 1938 (52 Stat. 797, as amended; D.C. Official Code 2001 Ed. § 6-641.01), hereby gives notice of the adoption of an amendment to the Zoning Map of the District of Columbia in the manner described below. The map amendment applies to Lots 23 and 809 in Square 3584 near the intersection of New York and Florida Avenues, N.E., and would rezone the properties from M to C-3-C. No changes have been made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the *D.C. Register* on January 17, 2003, at 50 DCR 572. The Commission took final action to adopt these amendments at a public meeting held on March 10, 2003.

This final rulemaking will be effective upon publication of this notice in the *D.C. Register*.

The Commission initiated this amendment in response to a request from the property owner of Lot 809 and the Office of Planning (OP), who recommended adding Lot 23 to the map amendment originally proposed.

The purpose of this rezoning initiative was to adopt a zoning designation for the subject properties that is not inconsistent with the Comprehensive Plan Amendments Act of 1994.

Existing Zoning

As noted by OP in its report, Square 3584 is part of an industrial area that stretches along the railroad tracks from the north side of Florida Avenue to Rhode Island Avenue, NW. The M zone parallels those tracks. For much of the length, C-M-2 zoning provides a buffer between the heavy industrial zone and the residential R-4 zone district to the west.

Description of Map Amendment

Rezoning is proposed from M to C-3-C, in order to accommodate the New York Avenue Metro Station, now under construction, and to bring the area more in line with the Comprehensive Plan and the surrounding area. Other areas within the square were not proposed for rezoning as they are functionally separate due to the demarcation lines established by active rail uses.

The original proposal also requested that Lot 809 be included in the North Capitol Area Receiving Zone. However, in light of recommendation by OP not to include Lot 809 in the receiving area, the owner of Lot 809 withdrew the request.

Relationship to Comprehensive Plan

As noted by OP, the map amendment is not inconsistent with the Generalized Land Use Map (Map) of the Comprehensive Plan, but not completely consistent with the Plan's Land Use Element.

The Map designates the two advertised parcels as appropriate for Medium-High Density Commercial use. Also, the property is within the area the Land Use Element of the Comprehensive Plan designates, in Section 1121, for high technology and light industrial uses. However, the designation in Section 1121 predated the plans to construct a Metro station at New York and Florida Avenues. The platform of the Metrorail station will be located within 100 feet of Lot 809.

The amendment is in congruence with the following sections of the District Element of the Comprehensive Plan: § 1134.1, which sets out Transit Oriented Development objectives for Metrorail area development; § 1606.1(c)(2), which recognizes North Capitol Street, New York Avenue and First Street, N.E., as a priority economic development area; and § 209.6(b)(3) of the Economic Development Element of the Comprehensive Plan, which details the economic development strategy of creating a Metrorail station near New York Avenue and Florida Avenue, N.E. "enabling a large area of currently vacant and underutilized land and buildings to be developed for thousands of new jobs and housing opportunities."

Public Hearing

The Commission held a public hearing on November 4, 2002. At that hearing, the Manager of Property Planning and Development for the Washington Metropolitan Area Transit Authority spoke in favor of the proposed rezoning. A representative of the law firm of Holland & Knight appeared on behalf of the owner of Lot 809.

Proposed Rulemaking

At the conclusion of the hearing, the Commission took proposed action pursuant to 11 DCMR 3027.2. A notice of proposed rulemaking was published in the *D.C. Register* on January 17, 2003, at 50 DCR 572. The proposed rulemaking called for a 45-day period of public comment,

in order to allow ANC 5C, who had not received notice of the hearing, time to file any comments. ANC 5C was notified, in writing, that it had until December 19, 2002, to submit comments in writing. No comments regarding the proposed rulemaking were received.

The proposed rulemaking was referred to the National Capitol Planning Commission (NCPC) under the terms of § 492 of the District of Columbia Charter. NCPC, by report dated December 9, 2002, found that the proposed map amendment would not adversely effect federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capitol.

The Office of the Corporation Counsel has determined that this rulemaking meets the standards of legal sufficiency.

Final Rulemaking

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on March 10, 2003. No changes were made to the proposed rulemaking.

Based upon the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia in that the rezoning will foster the type of economic development that is appropriate in the area adjacent to the proposed Metrorail station and will allow uses consistent with other existing and proposed uses in the surrounding area. The amendment is also consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendment to the Zoning Map.

1. Square 3584, Lots 23 and 809 – rezone from M to C-3-C.

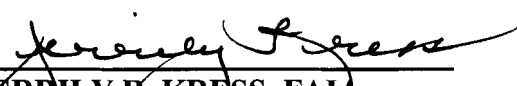
Vote of the Zoning Commission taken at its public hearing on November 4, 2002, to approve the propose rulemaking 5-0-0 (Carol J Mitten, John G. Parsons, Anthony J. Hood, Peter G. May, and James H. Hannaham).

This order was adopted by the Zoning Commission at its public meeting of March 10, 2003, by a vote of 5-0-0 (John G. Parsons, Anthony J. Hood, Carol J. Mitten, Peter G. May, and James H. Hannaham to approve).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is on **MAY 23 2003**



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning